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C O N F I D E N T I A L USUN NEW YORK 000117

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E.O. 12958: DECL: 02/08/2018
TAGS: [PREL](#) [PTER](#) [UNSC](#) [SY](#) [LE](#)
SUBJECT: LEBANON TRIBUNAL: ESTABLISHING MANAGEMENT
COMMITTEE ESSENTIAL

REF: A. USUN 103

- [1](#)B. USUN 109
- [1](#)C. STATE 10709

Classified By: Amb. Zalmay Khalilzad, for reasons 1.4(b) and (d).

[1](#)1. (U) This is an action request. Please see para 6.

[1](#)2. (C) BEGIN SUMMARY: UN Legal Counsel Michel briefed Amb. Wolff on February 8 on developments relating to the Special Tribunal for Lebanon. First, Michel said the UN has not been informed that Saudi Arabia, Kuwait, and the United Arab Emirates have announced contributions to the Special Tribunal for Lebanon, nor have those countries deposited funds into the UN's bank account. Second, Michel said Russian PermRep Churkin has informed the UN that Russia will contribute to the Special Tribunal for Lebanon, wants a seat on the Management Committee, and expects all of the P-5 to be on the Management Committee. Amb. Wolff also pressed for the Secretary-General to make a forward-leaning statement on or

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before February 14, announcing the progress the UN has made to make the Tribunal operational.

[1](#)3. (C) SUMMARY CONT'D: Also on February 8, Lebanese PR Salam told Amb. Khalilzad that he is not surprised that the Arab states have not yet contributed to the Tribunal, suggesting that the Arabs are delaying because they are negotiating with Syria about the Tribunal, not because they do not know where to deposit contributions with the UN. Salam also reported that Lebanon supports the UN's proposal described in refs A and B for compensating the Lebanese judges for the risk associated with their service to the Tribunal. END SUMMARY.

[1](#)4. (C) Michel expressed willingness for the Secretary-General to make a statement on or before February

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14, outlining the steps the UN has taken to set up the Tribunal. Michel did express caution, however, that because the UN has not received pledges for the Tribunal's second and third years it is premature for the Secretary-General to determine that the Tribunal is ready to begin functioning.

[1](#)5. (C) Separately, USUN hopes to finalize the Terms of Reference (TORs) for the Management Committee with the European donors (France, Germany, the Netherlands, and the UK) today and formally establish the Committee next week. Per reftel, the European donors have expressed willingness to enter into a written understanding with the United States, by which the five states, representatives would commit to achieving consensus among themselves on a common position for all decisions before the Management Committee and cast their

votes accordingly (para 5).

¶6. (SBU) COMMENT AND ACTION REQUEST: USUN believes it is essential to formally establish the Management Committee with an effective U.S. veto over all decisions of the Committee) including whether to grant membership to countries such as Russia. USUN therefore seeks immediate instructions to sign a side understanding with France, Germany, the Netherlands, and the UK along the following lines:

BEGIN TEXT:

The representatives of the governments of France, Germany, the Netherlands, the United Kingdom, and the United States of America are pleased that Terms of Reference for the Management Committee for the Special Tribunal for Lebanon have been completed, and look to the Management Committee to play an important role in the efforts of the Tribunal to operate efficiently, effectively, and accountable. They commit to achieve consensus among themselves on a common position for all decisions before the Management Committee and to cast their votes accordingly. They highlight the importance of supporting the Secretary-General's efforts for the establishment of the Tribunal in a timely manner, as a means to put an end to impunity and deter further assassinations in Lebanon.

(To be signed by representatives of each of the Missions.)

END TEXT.
KHALILZAD